

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE CHRISTOPHER D. WYMAN,

Debtor,

Case Number 23-10171

Honorable David M. Lawson

MICHAEL E. TINDALL,

Appellant,

v.

SAMUEL D. SWEET,

Appellee.

**ORDER GRANTING MOTION TO ENLARGE APPELLATE RECORD
AND CERTIFYING SUPPLEMENTARY RECORD MATERIALS**

This matter is before the Court on appellant Michael E. Tindall’s motion to enlarge the record on appeal. On May 3, 2023, the appellant filed an amended designation of the record on appeal and the supplementary materials he omitted from his original designation of the appellate record. The appellee has not filed a response, and the time for doing so has passed.

Federal Rule of Bankruptcy Procedure 8009(e) provides for the correction or modification of the record on appeal. Where material is “omitted from or misstated in the record by error or accident,” Rule 8009(e)(2) states that “the omission or misstatement may be corrected, and a supplemental record may be certified and transmitted . . . by the court where the appeal is pending.” Fed. R. Bankr. P. 8009(e). Reviewing the appellant’s proffered materials in light of the original designation of record, the requirements of Rule 8006, and the Court’s “authority to supplement the record and take judicial notice of proceedings in other courts of record,” the Court finds that the appellant’s motion to supplement the appellate record should be granted. *In re Musilli*, 398 B.R.

447, 453 (E.D. Mich. 2008) (quoting *In re Hamady Brothers Food Markets*, 110 B.R. 815, 817 (E.D. Mich. 1990)), *aff'd on other grounds*, 379 F. App'x 494 (6th Cir. 2010).

Accordingly, it is **ORDERED** that the appellant's motion to enlarge the appellate record (ECF No. 11) is **GRANTED**.

It is further **ORDERED** that the materials the appellant filed to enlarge the record (ECF Nos. 11-19) are **CERTIFIED** as the supplemented record on appeal.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 24, 2023